

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	No. C07-4562 BZ
)	
v.)	ORDER SCHEDULING
)	COURT TRIAL AND
EMMANUEL T. SEGMENT,)	PRETRIAL MATTERS
)	
Defendant(s).)	
_____)	

Following a hearing held on plaintiff's motion for summary judgment, at which both parties were represented by counsel, and at which plaintiff's motion was denied, **IT IS HEREBY ORDERED** as follows:

1. DATES

Trial Date: **Thursday, August 13, 2009, 1 day**

Pretrial Conference: **Tuesday, 8/4/2009, 4:00 p.m.**

2. PRETRIAL CONFERENCE

Not less than thirty days prior to the date of the pretrial conference, the parties shall meet and take all steps necessary to fulfill the requirements of this Order. Not less than twenty-one days prior to the pretrial

1 conference, the parties shall: (1) serve and file a joint
2 pretrial statement, containing the information listed in
3 **Attachment 1**, and a proposed pretrial order; (2) serve and
4 file trial briefs, Daubert motions, proposed findings of fact
5 and conclusions of law, and statements designating excerpts
6 from discovery that will be offered at trial (specifying the
7 witness and page and line references); (3) exchange exhibits,
8 agree on and number a joint set of exhibits and number
9 separately those exhibits to which the parties cannot agree;
10 (4) deliver all marked trial exhibits directly to the
11 courtroom clerk, Ms. Yiu; (5) deliver one extra set of all
12 marked exhibits directly to Chambers; and (6) submit all
13 exhibits in three-ring binders. Each exhibit shall be marked
14 with an exhibit label as contained in **Attachment 2**. The
15 exhibits shall also be separated with correctly marked side
16 tabs so that they are easy to find.

17 No party shall be permitted to call any witness or offer
18 any exhibit in its case in chief that is not disclosed at
19 pretrial, without leave of Court and for good cause.

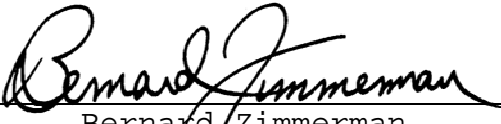
20 Lead trial counsel for each party shall meet and confer
21 in an effort to resolve all disputes regarding anticipated
22 testimony, witnesses and exhibits. Not less than eleven days
23 prior to the pretrial conference, the parties shall serve and
24 file any objections to witnesses or exhibits or to the
25 qualifications of an expert witness, and any oppositions to
26 Daubert motions. There shall be no replies. A copy of all
27
28

pretrial submissions, except for exhibits, shall be e-mailed
in WordPerfect or Word format to the following address:

bzpo@cand.uscourts.gov

At the time of filing the original with the Clerk's
Office, two copies of all documents (but only one copy of the
exhibits) shall be delivered directly to Chambers (Room 15-
6688). Chambers' copies of all pretrial documents shall be
three-hole punched at the side, suitable for insertion into
standard, three-ring binders.

Dated: June 24, 2009



Bernard Zimmerman
United States Magistrate Judge

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ATTACHMENT 1

The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of each party's position on the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

negotiations and indicating
whether further negotiations
are likely to be productive.

(B) Amendments, Dismissals. A
statement of requested or
proposed amendments to
pleadings or dismissals of
parties, claims or defenses.

(C) Bifurcation, Separate Trial of
Issues. A statement of whether
bifurcation or a separate
trial of specific issues is
feasible and desired.

(5) **Miscellaneous.**

Any other subjects relevant to the trial of the action,
or material to its just, speedy and inexpensive
determination.

ATTACHMENT 2

USDC
Case No. CV07-04562 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-04562 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-04562 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-04562 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV07-04562 BZ
DEFT Exhibit No. _____

Date Entered _____

Signature _____

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